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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/620,177    07/20/00    SHADE    J    CTH / 108

DAVID H BRINKMAN  
WOOD HERRON & EVANS LLP  
2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI OH 45202-2917

PM82/0816

EXAMINER

KING, B

ART UNIT

PAPER NUMBER

3613

DATE MAILED: 08/16/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/620,177

Applicant(s)  
Shade et al

Examiner  
Bradley King

Art Unit  
3613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 appears to be directed towards the subcombination of a pipe coupling, however, the last limitation appears to require both pipe sections. Claim 1 recites “whereby said coupling interconnects said adjacent ends of said first and second pipe sections”. It is unclear whether the applicant wishes to rely on the subcombination of a pipe coupling or the combination of the coupling and the pipe sections for the determination of patentability.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 6-8, 10, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shade (US # 5842727).

Shade discloses all the limitations of the instant claims including: a pipe coupling having a generally cylindrical sleeve 10, having first 14 and second 16 sides, at least one annular corrugation (20 or 18) on the first side of the sleeve being adapted to cooperatively engage the annular corrugation on the first pipe section end, and a bell 24 on the second side being adapted to slidably receive in an axial direction the second pipe section end within the sleeve.

Regarding claim 10, Shade discloses a first gasket 48.

Regarding claim 20, Shade suggests using a sealant on the first side of the sleeve. See column 4, lines 49-51.

5. Claims 1, 3-8, 10-12, 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Claes et al (US # 5415436).

Claes et al disclose all the limitations of the instant claims including: a pipe coupling having a generally cylindrical sleeve C, having first and second sides, at least one annular corrugation (60, 44 or 10) on the first side of the sleeve being adapted to cooperatively engage the annular corrugation on the first pipe section end, and a bell on the second side being adapted to slidably receive in an axial direction the second pipe section end within the sleeve.

Regarding claims 3-5 and 15-17, Claes et al disclose a radially inwardly directed annular projection 64.

Regarding claim 12, Claes et al disclose a fluted gasket 30.

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6. Claims 1-4, 7-10, 19, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Boynton et al.

Boynton et al disclose all the limitations of the instant claims including: a pipe coupling having a generally cylindrical sleeve 16, having first and second sides, at least one annular corrugation 18 on the first side of the sleeve being adapted to cooperatively engage the annular corrugation on the first pipe section end, and a bell on the second side being adapted to slidably receive in an axial direction the second pipe section end within the sleeve.

Regarding claims 2 and 21-24, Boynton et al disclose the sleeve being formed from a flat sheet. See column 4, lines 45-49 and figures 4 and 7.

Regarding claims 3-4, Boynton et al disclose a radially inward directed projection 18 on the inner diameter of the bell.

Regarding claim 10, Boynton et al disclose a first gasket 20.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 2, 9 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shade.

Shade discloses all the limitations of the instant claims with exception to forming the sleeve from a flat sheet. It is well known in the art to form couplings from sheet material. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the coupling of Shade from a flat sheet as an obvious manufacturing process allowing the use of inexpensive sheet material, reducing the costs of the device.

Claims 3-5, and 11-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Shade in view of Claes et al (US # 5415436).

Shade discloses all the limitations of the instant claims with exception to the annular inwardly directed projection. Claes et al teach an annularly extending projection 64 to provide a positive retention force on pipe sections. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a projection as taught by Claes et al in the coupling of Shade to increase the retention capabilities of the coupling.

Regarding claims 11-13, Shade discloses all the limitations with exception to the fluted gasket. Claes et al teach a fluted gasket 30 which that is easily deformable and provides a sufficient seal. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include the gasket of Claes et al in the coupling of Shade increase the sealing capabilities of the coupling.

Regarding claim 14, Shade discloses a flat gasket 42.

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9. Claims 2, 9, 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claes et al (US # 5415436).

Claes et al disclose all the limitations of the instant claims with exception to forming the sleeve from a flat sheet. It is well known in the art to form couplings from sheet material. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the coupling of Shade from a flat sheet as an obvious manufacturing process allowing the use of inexpensive sheet material, reducing the costs of the device.

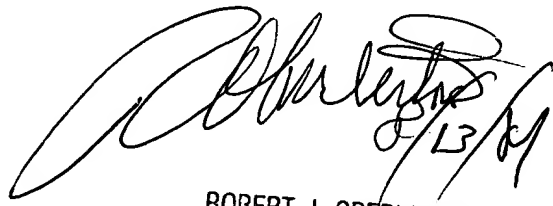
***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Devine, Kaneo (JP 11-270765), Orii, JP61-222725, Kanao et al (US # 5799703), Bonnema et al, Lupke et al, and Griffiths et al. All show couplings.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley King whose telephone number is (703)308-8346.

BTK

August 7, 2001

  
ROBERT J. OBERLEITNER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600